

Whistleblower Protections in ARRA

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Public and private employers who receive funds under the newly enacted federal stimulus package will face new responsibilities and increased risks of whistleblower complaints. The stimulus package legislation includes safeguards against fraud, waste and abuse as part of its “Additional Accountability and Transparency Requirements.” These safeguards include whistleblower protections that are more robust than existing whistleblower protections administered by the Occupational Safety and Health Administration and U.S. Department of Labor.

Detailed provisions of section 1553 of ARRA encourage employee disclosure of mismanagement, waste, danger to public health or safety, abuse, or unlawful activity involving funds from government contracts, grants, or other payments made available under ARRA.

Whistleblowers’ disclosures are protected if made by an employee who reasonably believes there is evidence of gross mismanagement, gross waste of funds, danger to public health or safety related to use of covered funds, or abuse of authority related to covered funds. Employees disclosures are protected if made to the Recovery Accountability and Transparency Board, an Inspector General of an agency that expends or obligates covered funds, the Comptroller General, a member of Congress, a state or federal regulatory or law enforcement agency, a person with supervisory authority over the employee, a court, grand jury, or head of a federal agency.

Whistleblowers are protected from reprisals including discharge, demotion, or other discrimination. If these whistleblower protections are broadly interpreted consistent with other federal employment protections, prohibited conduct may include oral or written reprimands and lateral transfers or reassignment of duties, even where there are no tangible economic adverse consequences.

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